



## FACT SHEET JUDICIAL STRENGTHENING AND REFORM

### **Background**

- Lack of capacities/resources within the judiciary: Many judicial personnel lacks basic knowledge of the law as well as case processing and management skills. Courts and parquets are deprived of basic equipments and their physical aspect is deplorable.
- Lack of institutional capacities in the MOJ: The small number of technicians in the Ministry creates absorptive capacity limitations and an inability to lead and manage the multiple donor and GOH initiatives currently underway.
- Independence of the Judiciary: The magistracy is subordinate to the Executive Branch in all aspects of budget, operations and personnel. Lack of independence of the judiciary is a central barrier to fair, impartial and competent justice administration.
- Access to the Justice System: Access to justice services is impeded by a series of geographic, financial, social, cultural, logistical, and informational barriers.
- Codes and Procedural Reforms: The penal code, adopted in 1835, and the civil code adopted in 1825, no longer reflects social reality or prevalent crimes, among other constraints.

### **Objective**

- Objective 1: Strengthen the administrative, management and technical capacity of the courts and parquets through training and technical assistance to the Justices of the Peace, Judges, Prosecutors and Court Personnel.
- Objective 2: Reduce pre-trial detention by improving the flow of cases through the courts, police and prisons.
- Objective 3: Improve citizen links to the judiciary through greater citizen awareness of their rights and access to legal services.
- Objective 4: Strengthen the GOH justice personnel presence in Cité Soleil and working collaboratively with other judicial actors.

### **USAID support**

On May 30, 2007, USAID formally awarded the Pan American Development Foundation (PADF) \$6.4 million to implement an innovative program to Protect Human Rights in Haiti. The program supports the Government of Haiti with training and technical assistance to Ministries and public agencies responsible for protective services; it will also work with local government officials and institutions.

### **Implementer**

The National Center for State Courts (NCSC) is the current implementing partner.

### **Results to date**

- Training of more than 800 judges, prosecutors, clerks, lawyers and other judicial personnel on case management and on other topics related to their functions.
- Launching of the first Master Degree Program in Court and Case Management in PaP Law School.
- Sponsorship of several workshops nationwide on the Penal Chain, Pretrial Detention, case processing, case resolution.

- Completion of 2 study tours in Arlington, (VA) and Costa Rica on the penal chain, pre-trial detention and case management for members of the penal chain including prosecutors, and investigative magistrates.
- Technical assistance to the JP, the judges and the prosecutors for the preparation and the adoption of their internal guidelines. Creation of a Justice of the Peace Association.
- Mentoring and field support to JP and prosecutors in the jurisdictions of St Marc and Petit Goave
- Technical Assistance to the MOJ and the justice committees in the Senate and the Chamber of Deputies for public vetting of key legislations on judicial reform. Because of this assistance three bills related to independence of the judiciary, namely the laws on the Magistrate School, Members of the Judiciary, and the Judicial Council were passed in early 2008.
- Small grant to Bar association and the Judges Association to support special courts and prisons hearings in the jurisdictions of PaP, St. Marc, and Petit Goave.
- Small grants to bar Associations in PaP, St. Marc, and Petit Goave to provide legal assistance.
- Completion of two major studies on pretrial detention which will provide to the justice sector leaders, operators, and civil society an in depth understanding of the phenomenon so that they can define solutions/interventions to be carried out by Haitian authorities to eliminate illegal detention.
- TA to the prison Administration (DAP) data collection system by introducing new features, such as the calculation of time spent in pre-trial detention per category of offense and per detainee, as well as time spent in detention versus the maximum sentence proscribed for the alleged offense. A great monitoring tool for judicial actors.
- Technical assistance to the Pre trial Detention Commission.
- Support to the reopening of the School of Magistrates and the designing of its training curriculum.
- Creation, in Cite Soleil of a model case registry system to help address the issues of prolonged pretrial detention and corruption.
- Development of a pilot legal aid program in three target jurisdictions (*Port-au-Prince, St Marc Petit Goave*). Approximately 800 indigents (*including 125 from Cite Soleil*) accused have been represented thus far in FY 08.
- Launching of a Roving Justices of the Peace initiative to provide access to justice for residents in remote areas. More than 6,500 community residents benefited from this activity.
- Support to the presidential Justice Commission on a campaign to engage the public in the justice reform process.